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Clerk of Court
U.S. District Court, District of Massachusetts
Federal Building and Courthouse
1550 Main Street
Springfield, MA 01103

Re: Arise for Social Justice, et al. v. City of Springfield, et al.
Civil Action No. 05-30080-MAP

Dear Sir or Madam:

Please find attached to this letter a substituted Trial Affidavit of Henry Thomas (the "Thomas Affidavit"). This substituted Thomas Affidavit should replace the version that was filed on Friday, February 2, 2007, and that appears in the docket as document number 90.

It has come to our attention that the version of the Trial Affidavit of Henry Thomas that was filed on February 2 did not include page 6. The version attached to this letter includes the missing page.

Thank you for your assistance with this matter.

Very truly yours,

/s/ Anna-Marie L. Tabor

Anna-Marie L. Tabor

Attachment

cc: Edward Pikula, Esq. (w/attachment, via CM/ECF)

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on March 5, 2007.

/s/ Anna-Marie L. Tabor
Anna-Marie L. Tabor (BBO #662364)

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ARISE FOR SOCIAL JUSTICE; ¿OISTE?;
NEW ENGLAND STATE-AREA
CONFERENCE OF THE NAACP; REV.
TALBERT W. SWAN, II; NORMAN W.
OLIVER, DARLENE ANDERSON,
GUMERSINDO GOMEZ; FRANK BUNTIN;
RAFAEL RODRIQUEZ; and DIANA NURSE,

Plaintiffs,

v.

CITY OF SPRINGFIELD and SPRINGFIELD
ELECTION COMMISSION,

Defendants.

Civil Action No. 05-30080 MAP

TRIAL AFFIDAVIT OF HENRY THOMAS

I, Henry Thomas, hereby certify as follows:

1. I am the President and CEO of the Urban League of Springfield Massachusetts, a position I have held for 31 years. I am a Board Member of the Massachusetts Board of Education, the agency charged with setting the education policy for the Commonwealth of Massachusetts. I also serve as CEO of the Historic Camp Atwater, which is the oldest African American summer youth residential camp in the country. I also serve on a number of local and national boards and commissions. I am the founder and current Chairman of the Board of Directors of the New Leadership Charter School, past member of the American Camping Association board of trustees, Chairman of the Board of Trustees of the Springfield Cable Endowment, and former Chairman of the Springfield Fire Commission and Police Commission respectively. In addition, I have worked as a Visiting Professor at the University of Massachusetts and also at Curry College. I received a Bachelor of Arts in psychology and a Master's degree in human resource development from American International College, and I hold a Juris Doctor from Western New England College of School Law, and two honorary PhD's.
2. I am African American and have resided in Springfield, MA all of my life. As a result of my personal experiences and my civic, political and professional activities in Springfield, I have a

great deal of knowledge about the politics of Springfield and the discrimination experienced by African Americans and Latinos in the city.

3. Candidates of color have had a difficult time getting elected to Springfield's City Council and School Committee under the at-large election system. With rare exception, there was never more than one African American elected at a time. Generally the African American candidates elected were well known in the white community.
4. For instance, Paul Mason was elected to the Springfield City Council in the 1960s. His uncle donated land to the City, which became Mason Square, and he was known to the white community. Paul Mason got elected because of his family connections and his ability to appeal to the white community. Not many African American candidates have those family connections and reputation in the white community to allow them to win in a citywide election.
5. There is a common belief in the minority community that the dominant white political and business forces have long felt that ward representation would dilute the majority community's vote in light of the inevitability of a growing African American and Latino population.
6. Because of the racial and ethnic segregation of Springfield's neighborhoods, and because minority neighborhoods have a lower economic and social status, people of color who seek to run for City Council or School Committee have little opportunity to develop a political base outside of their own community. Segregation and discrimination in Springfield have precluded minority candidates from accessing the political, business and social networks that would allow them to run competitive campaigns in the city as a whole.
7. African Americans and Latinos do not have access to many of the established social and business organizations such as the Rotary Club, Exchange Club and Chamber of Commerce that generally support white candidates.
8. The lower socio-economic status of African Americans and Latinos contributes to their lower participation in the political process. I have absolutely no doubt that the lower socio-economic circumstances of African Americans and Latinos in Springfield is the result of a history of discrimination in employment, housing, education, health care, police mistreatment and the criminal justice system.
9. There is a history of employment discrimination in the City's police and fire forces, as evidenced by the Castro v. Beecher and NAACP v. Beecher cases, which resulted in Consent Decrees requiring minority hiring. Despite the fact that those decrees have been in effect for over 30 years, the Springfield Police and Fire Departments have not yet achieved parity and the percentage of Africans Americans and Latinos do not reflect their percentages in the community. As of 2003, the combined percentage of Black/African American and Hispanic police officers in the Springfield Police Department was 32.7%. By comparison, according to the 2000 Census, 48.2% of Springfield's population is either African American or Hispanic.

10. I served on the Springfield Fire Commission from approximately 1976 to 1979 and for a time was the Chair. Up until that time it had been the Fire Commission's practice not to appoint as firefighters any blacks or Latinos who had arrest records – although it was only convictions that should have been considered as grounds for non-appointment. White applicants were not treated the same way. I remember cases of white applicants who were appointed to firefighter positions despite having arrests for Driving While Intoxicated (DWI) and for domestic abuse. During my tenure we appointed the first African American and Latino firefighters in Springfield.
11. Minorities have had minimal access to public sector jobs in Springfield, and they have been cut out of private sector jobs as well. Up until the 1950s Mass Mutual Life Insurance Co., a major employer in the City, had never hired a Black person. There also has been a history of housing discrimination in Springfield, making it difficult for minorities to buy homes. As a result of lack of job opportunities and the lack of homeownership opportunities, African Americans had little opportunity for wealth creation, thus precluding them from accumulating the resources necessary to run a citywide campaign.
12. Because of their lower incomes, many African Americans and Latinos do not own cars and are thus unable to get to jobs located outside of the city of Springfield. In addition, many African Americans and Latinos do not have computers and cannot access the Internet to search for jobs.
13. Because the at-large system has operated to make it more difficult for African Americans and Latinos to elect candidates of their choice, many have simply not participated in the political process, believing that their vote will not make a difference. Low minority voter turnout speaks to the disenfranchisement of minority voters who have felt disconnected from the political system in Springfield for a long time.
14. I have worked on the campaigns of candidates of color, and have observed that African American candidates get a cold response in the white neighborhoods and that they are not taken seriously.
15. Up until 1974 the only place people could register to vote in Springfield was in City Hall, during regular business hours. This prevented many African Americans who had no flexibility in their jobs from registering to vote. In addition, transportation limitations were also a barrier to registration. In 1973 I proposed that voter registration be more accessible and suggested that librarians in the City's libraries be permitted to register people to vote. When this was done, voter registration in the communities of color increased. I also was involved in Operation State House, a voter registration effort that registered 500 African American voters in one day.
16. Despite recent changes increasing access to voter registration, many African Americans are so pre-occupied with economic survival issues, that they do not have the time to pay attention to electoral politics. They have been disconnected from the political process for a long time, and have not seen improvement in their economic condition through the

electoral system. It is my belief that in time this can change if the system were changed to a district representation system.

17. African Americans have been disproportionately purged from the voter lists and have often been denied the ability to vote when they went to the polls.
18. Because most Blacks from Springfield migrated here from the South, they have a history where they were deliberately discouraged and prevented from registering to vote and from voting. People registered to vote and voted at great personal risk. This history of intimidation and violence when exercising their right to vote still has a residual impact on many Blacks, which has an inhibiting affect with regard to Black participation in the electoral process today
19. Most often minorities in Springfield are being asked to vote for white people they do not know or have a relationship with other than during campaign time. The minority candidates who run oftentimes are limited in their ability to attract white voters because of their lack of access to the business community that funds campaigns and because of limited opportunity for social access across racial and ethnic lines. This is due to segregated housing patterns, worship patterns, education and employment patterns in Springfield.
20. The African American community in Springfield has been consistently neglected in terms of the provision of adequate city services, public safety, employment and education. As a result of this disinvestment and history of discrimination, many African Americans feel hopeless that things will improve and do not believe that elected officials will help their community. This discourages them from participating in the electoral process. For those African Americans who have engaged with the electoral system, the fact that African American candidates cannot get elected in at-large elections makes them feel that their votes do not really make a difference.
21. Because of a history of corruption in Springfield, as seen in the recent indictments of public housing officials and other government personnel, many African Americans and Latinos think politicians care only about getting money for themselves and their friends and do not really care about helping poor people like them. This further discourages them from voting.
22. I served as a member and as Chairman of the Springfield Police Commission from approximately 1990 until 1996. I am therefore very familiar with police practices. I would very strongly disagree with Defendants' statement in their proposed facts that, "There is no evidence of a pattern and practice of police misconduct or discriminatory treatment of minority citizens or failure to provide for the safety and security of all Springfield citizens equally and fairly".
23. In fact my father was involved in a very public police brutality case in the mid-1950's. At that time there was a pattern of police beating black male patrons who were leaving black clubs at night. The NAACP formed a Watch Group and sent out members to monitor the

conduct of the police at the black clubs. One night when my father was serving as part of an NAACP Watch Group he himself was beat up by the police and arrested. It became a well-publicized case. The charges against him were dropped but there were never any sanctions brought against the white officers who beat and arrested him.

24. Both before, during and after my tenure on the Police Commission, there have been innumerable incidents of police mistreatment and abuse of African Americans and Latinos, and a failure to discipline white officers involved in such incidents. The following are just a few of the incidents I remember.

- When Benjamin Schoolfield, a black man, was killed by a white Springfield police officer in 1994, a group of police officers held a “ham party” to congratulate the officer. A “ham party” is a vestige of the Jim Crow South, where a white person is celebrated for killing a black person by being given a ham.
- In 1997, a tourist from out-of-town videotaped a Springfield police officer kicking a black suspect.
- In 2004, when a black school principal named Douglas Greer had a diabetic seizure in his car, the police broke his window and pulled him out through the passenger side window, rather than open his door and administer aid to him.
- When Morris Jones was on the City Council, immediately after he voted against the Quinn Bill which provides educational benefits to police officers, the police put out an all points bulletin for Councilman Jones’ car, allegedly for being illegally parked behind City Hall. The next morning Councilman Jones’ car was trashed in front of his house. It was commonly believed that the police were responsible and had vandalized the car to retaliate against Jones for his vote on the Quinn Bill. Jones was the only African American on the City Council at the time. The white officer who put out the all points bulletin was initially suspended but was later reinstated.
- In 1996, a number of African American and Hispanic youths complained that they had been mistreated by the police during an incident outside of the Nubian Athletic Club.
- Recently, two young African American women were beaten at a bar and were called racial slurs, including the “n” word. The white police officer involved in that incident had several complaints made against him in the past, yet is still working.

25. The consistent pattern of African American citizens being subjected to abusive police power, usually with no accountability, has eroded public confidence not only in the Springfield Police Department but also in the entire political system. In addition, because police officers are visibly present at polling locations, many African Americans and Latinos are further intimidated from exercising their vote.

26. I have been an appointed member of the State Board of Education for the past five and a half years, and I am familiar with the education problems in Springfield. Springfield is one of the worst performing school districts in the Commonwealth with some of the lowest MCAS scores and highest dropout rates. Unfortunately our schools are consistently classified as underperforming schools.
27. The education system in Springfield has a long and blatant history of segregation and discrimination. The schools were under a court order that required busing to desegregate Springfield's separate and unequal school system. Today the Springfield system is over 80% minority. The school system has failed children of color. There are many illiterate and under educated minorities living in Springfield today. This manifests itself through the high dropout rates among students (50% of the students entering high school do not graduate in the Springfield school system), high unemployment rates, high crime levels, low employment rates and a lack of civic participation.
28. Many teachers do not want to teach at the lowest performing schools and the children at those schools have the least experienced teachers. As the overwhelming majority of the student body in Springfield is African American and Latino, the poor quality of education most impacts minority students and contributes to their lower socio-economic status and lower participation rates in the electoral system.
29. The City recently proposed a new School Plan changing the boundaries of the school districts and permitting neighborhood schools. I opposed this change because out of 31 elementary schools in Springfield, 21 are considered racially isolated and therefore in violation of state's Racial Imbalance Law. While the new plan improves the number to 14 schools out of 31 being out of compliance, I do not believe this is real progress. I do not believe the new plan will sufficiently change the racial imbalance in the system and will not change the poor quality of education in the schools serving African American and Latino children.
30. The State Board of Education approved the City of Springfield's new boundary plan on the condition that there would be a committee in place to monitor the implementation and determine if there was a negative impact on racial balance as a result of the new boundary plan. I have not seen any evidence that this monitoring committee has been put into place nor has the Board of Education received any reports from such a monitoring committee.
31. There is also a documented four-to-one turndown ratio for Blacks compared to whites for mortgages, and the rate probably is even higher for commercial loans. This results in inequality in peoples' ability to own a home or run a business in Springfield. When people have less of a stake in the city as evidenced by owning a home or business, they often do not have the same incentive to participate in the electoral system.
32. The norm is that Blacks and Latinos have been systematically segregated out of the mix in Springfield and thus have been grossly disadvantaged when it comes to competing for at-large elected positions.

33. In order to get elected African American candidates have had to establish allegiances with whites, as the majority of voters have been white. African American candidates must focus on white voters in order to win. Thus the structure of the at-large system has inhibited allegiances between African Americans and Latinos.
34. African Americans and Latinos in Springfield share similar concerns regarding education, housing, employment, health care, police brutality and the ability to elect candidates of their choice under an at-large election system. African American and Latino organizations have worked together to address concerns common to both communities. Most recently, the African American and Latino community came together to oppose the new boundary plan for the Springfield public schools which both communities fear will decrease the quality of education for African American and Latino students.
35. Many of Springfield's neighborhoods do not have real boundaries or divisions, and it is unclear where one neighborhood starts and another stops. Not everyone identifies by a specific neighborhood. More people identify by the general area of Springfield, such as the Hill, the North End, Downtown and the South End. Dividing these so-called neighborhoods into nine voting districts would not negatively impact people's participation in city council elections.
36. I am aware that Springfield has some of the highest indices for depression, obesity, infant mortality, stress and hypertension, which adversely affect the African American and Latino communities.
37. In 2005 voters were turned off, in my view, to the electoral process because of the cloud of public impropriety and corruption. City officials were indicted for preying on the limited resources that were supposed to be dedicated to low income communities and communities of color.

Signed under penalties of perjury, this _30TH day of January, 2007.



Henry M. Thomas III